

## Request for Public Comment – SCDE Request for a Waiver of Carryover to the USED

The South Carolina Department of Education (SCDE) is in the process of submitting to the U.S. Department of Education (USED) a waiver request of the limitation in section 1127(b) of the Elementary and Secondary Education Act of 1965 (ESEA) that prohibits a State educational agency (SEA) from granting to a local educational agency (LEA) a waiver of the carryover limitation in section 1127(a) of the ESEA more than once every three years. Section 1127(b) permits an SEA to waive the limitation in section 1127(a) once every three years if: (1) the LEA's request is reasonable and necessary; or (2) a supplemental Title I, Part A appropriation becomes available. In accordance with these provisions, the SCDE is requesting a waiver to allow the SCDE to waive the carryover limitation more than once every three years for an LEA that needs the additional waiver because it would be reasonable and necessary due to the sequester, which has resulted in additional uncertainty about the amount of Federal fiscal year (FY) 2013 Title I, Part A funds that will be available for use by LEAs primarily in the 2013–2014 school year.

If the carryover limitation waiver is granted, districts would be able to apply to the SCDE for a waiver from the Title I carryover limitation for the 2012-13 school year (state fiscal year 13) going into the 2013-14 school year (state fiscal year 14).

If districts needed an additional carryover waiver for 2013-14 going into 2014-15, the SCDE would be able to grant such a waiver and that waiver would begin the normal once every three year process.

ESEA requires that the SCDE receive comment regarding this proposed waiver. A draft USED waiver letter is attached for your review. If you have questions in regard to this request, please contact Roy Stehle at 803-734-8118. If you wish to comment on the SCDE carryover waiver request, please send your comments by Monday, May 15 to Roy Stehle at the SCDE, 1429 Senate Street, Columbia, SC 29201 or via e-mail to [rstehle@ed.sc.gov](mailto:rstehle@ed.sc.gov).